IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

SATURDAY, THE 6TH MARCH 2004 / 16TH PHALGUNA, 1925

Bail Appl..No. 1312 of 2007()

CRIME NO.589/06 OF VALAPATTANAM POLICE STATION

: PETITIONER/ACCUSED NO.1,4 AND 6

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1. K.MUSTHAFA, S/O. ALI, AGED 42 YEARS,
T.K.HOUSE, ANIYIL, PATTUVAM P.O.,
TALIPARAMBA TALUK, KANNUR DISTRICT.

2. P.KUNHIRAMAN, S/O. KORAN, AGED 44 YEARS,
PADICHAL HOUSE, KANDAKKAI, TALIPARAMBA TALUK,
KANNUR DISTRICT.

3. SUDHIRAJ, S/O. RAMACHANDRAN,
AGED 26 YEARS, VEMBIRAKATH HOUSE,
TRIKKARIPUR P.O., KASARGODE DISTRICT.

BY ADV. SRI.V.A.SATHEESH
SRI.V.JOHN SEBASTIAN RALPH

RESPONDENTS: COMPLAINANT

STATION HOUSE OFFICER,
VALAPATTANAM POLICE STATION, KANNUR DISTRICT,
(CR.NO.589/06 OF VALAPATTANAM POLICE STATION,
KANNUR DISTRICT), REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/03/2007, THE COURT ON 06/03/2004 PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1312 OF 2007

Dated this the 6th day of March, 2007

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioners, who are accused Nos.1, 4 and 6 in Crime No.589/2006 of Valapattanam Police Station subsequently taken over by the CBCID, SIG3, Kozhikode where it has been registered as No.1/CR/S3/07 for offences punishable under Secs.489 B and C and 120B read with section 34 I.P.C., seek their enlargement on bail. The petitioners were arrested on 6.12.2006.

2. According to the prosecution, 32 counterfeit notes of Rs.100/- denomination and 3 counterfeit notes of Rs.50/- denomination were seized from the first accused and 5 counterfeit notes of Rs.100/- denomination were seized from each of the accused Nos.4 and 6.

3. Eventhough the learned Public Prosecutor opposed the application submitting, inter alia, that the first accused is involved in another crime of similar nature, he fairly conceded that no final report has been filed even after 90 days of detention of the petitioners. If so, by virtue of the proviso to sec.167(2) Cr.P.C. the petitioners are entitled to be released on bail as of right.

4. Accordingly, the petitioners are directed to be released on

bail on each of them executing a bond for Rs.20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-II, Kannur and subject to the following conditions:

a. Petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

b. Petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

c. Petitioners shall make themself available for interrogation as and when required by the investigating officer.

d. Petitioners shall not commit any offence while on bail.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

(V. RAMKUMAR, JUDGE)

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